IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 31639 of 2006(N)

PETITIONERS:
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1. SREE ANJANEYA MEDICAL TRUST,
KANCHAS COMPLEX, OPP. INDOOR STADIUM,
CALICUT-673 004, REPRESENTED BY ITS AUTHORISED
SIGNATORY DR. M.SUDHA.

2. V.ANIL KUMAR,
CHAIRMAN & MANAGING TRUSTEE,
SREE ANJANEYA MEDICAL TRUST, KANCHAS COMPLEX,
OPP. INDOOR STADIUM, CALICUT-673 004.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE (RURAL), BADAGARA,
KOZHIKODE.

2. THE DY. S.P., THAMARASSERY, KOZHIKODE.

3. THE S.I. OF POLICE, ATHOLI POLICE STATION, KOZHIKODE.

4. ATHOLI PANCHAYATH, REPRESENTED BY
ITS SECRETARY, ATHOLI PANCHAYATH, KOZHIKODE.

5. PARAYARUKANDY BALAKRISHNAN, PARAYARUKANDY HOUSE,
MODAKALLOR, ATHOLI, KOZHIKODE.

6. SUBI, S/O. PARAYARUKANDY
BALAKRISHNAN,PARAYARUKANDY HOUSE,
MODAKALLOOR, ATHOLI, KOZHIKODE.

7. DEEPU, S/O. CHEKKANI, KOZHIKKATTUMEETHEL HOUSE, MODAKALLOOR, ATHOLI, KOZHIKODE.

8. AJITH, S/O. KUTTY NARAYANAN, KAITHAL HOUSE, MODAKKALLOOR, ATHOLI,KOZHIKODE.

9. NOUFEL, S/O. MOHAMMEDKUTTY, VEMMUDIYIL, MODAKALLOOR, ATHOLI, KOZHIKODE.

10. DIPIN, S/O. CHEKKANI, KOZHIKKATTUMEETHEL HOUSE, MODAKALLOOR, ATHOLI, KOZHIKODE.

11. PRATHEESH @ VAVA, S/O. KUTTY KRISHNAN NAIR, KAITHAL HOUSE, MODAKALLOOR, ATHOLI, KOZHIKODE.

12. AJITH, S/O. KUTTY NARAYANAN, AREEKAL HOUSE, MODAKALLOOR, ATHOLI, KOZHIKODE.

R1 TO R3 BY G.P.SRI.P.A.SALIM
R5 TO R12 BY ADV. SRI.P.K.RAMKUMAR
SMT.ANITHA MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.31639/2006

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE GOVT. ORDER G.O.(MS)NO.34/05/H&FWD DATED 11.2.05 ISSUED BY THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 17.2.05 ISSUED BY THE UNIVERSITY.

EXT.P3: RUE COPY OF THE GOVT. ORDER GO(Rt)NO.1070/06/H&FWD DATED 29.3.06.

EXT.P4: TRUE COPY OF THE JUDGMENT IN WP NO.25290/06 DATED 26.9.06.

EXT.P5: TRUE COPY OF THE NO OBJECTION ISSUED BY THE ATHOLI PANCHAYAT DATED 7.11.06.

EXT.P6: TRUE COPY OF THE SANCTION ORDER ISSUED BY CHIEF TOWN PLANNER.

EXT.P7: TRUE COPY OF THE BUILDING PERMIT NO.BL-121/2006-07 ISSUED BY THE PANCHAYAT DATED 23.11.06.

EXT.P8: TRUE COPY OF THE MALAYALA MANORAMA NEWS PAPER REPORT DATED 14.11.2006.

EXT.P9: TRUE COPY OF THE REPRESENTATION DATED 24.11.06.

// TRUE COPY //

TKS

J.B.KOSHY & K.PADMANABHAN NAIR,JJ.

W.P.(C)NO.31639 OF 2006

Dated 19th December, 2006

JUDGMENT

Koshy,J.

This is a petition for police protection for construction of Medical College and allied buildings. Contesting respondents filed a counter affidavit stating that they are not obstructing the same, but, according to them, there should be proper waste and waste water disposal. If contesting respondents have got any problems, it is for them to approach statutory authorities and they cannot take law into their hands. Without prejudice to the right of the contesting respondents to approach statutory authorities or civil court regarding environmental problems, we direct the police to give adequate protection for construction of the buildings as well as developmental activities being conducted in the place, in the absence of any valid prohibitory order.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

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